

**REMARKS/ARGUMENTS**

This Amendment is being filed in response to the Final Office Action dated June 8, 2012. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. Claims 1, 5, 8, 12 and 20 are independent claims.

In response to the Interview Summary dated June 8, 2012, please consider the remarks as follows:

The Applicants appreciate the courtesies extended by Examiner Andramuno during the conference call on June 1, 2012, between Examiner Andramuno and Gregory L. Thorne, representative for the Applicants (hereinafter, the "Representative"). In accordance with the requirements of MPEP §713.04 and 37 CFR §1.133, following is an Interview Summary produced by the Representative.

During the conference call, the subject matter of the claims and prior art was discussed and no consensus on allowability of the claims was reached.

In the Final Office Action, Claim 10 is rejected under 35 U.S.C. §112, second paragraph. In the interest of expediting consideration and allowance of the pending claims, the rejected claim is amended to address the concerns raised in the Office Action. Accordingly, it is respectfully submitted that the rejected claim is in proper form and it is respectfully requested that this rejection be withdrawn.

Claims 1-20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,868,292 to Ficco et al. ("Ficco") in view of U.S. Patent No. 6,218,931 to Asghar et al. ("Asghar") and in

view of U.S. Patent No. 6,198,479 to Humpleman et al. ("Humpleman"). This rejection is respectfully traversed. It is respectfully submitted that the rejected claims are allowable for at least the following reasons.

As discussed in the specification, the present system is directed to saving time it takes to control many devices and to limit the number of times the preferred setting or parameters of each of the devices to be controlled are repeated for the purpose of controlling devices that will participate in the user experience (see, present application, page 2, line 30 through page 3, line 14). As substantially recited in the claims, the subset of the participating devices is selected from the full set or the plurality of the application devices. Therefore, the input documents are received from and reflect the status of the application devices and the output documents are sent back to the application devices that participate. In other words, the subset of the participating devices belongs to the full set of the plurality of the application devices.

At page 3 the Final Office Action states that Ficco shows the retrieving, sending and performing elements of claim 1. However, in the following paragraph the Final Office Action admits that Ficco fails to teach, disclose or suggest "input documents," as for example recited in claim 1. It is respectfully submitted that this treatment of the claims recitations by the Final Office Action is inconsistent with the recitation of the claims. The claims recite "retrieving ... input documents", the Examiner uses one reference to reject the action verb element and another, Asghar, to reject the noun addressed by the action verb.

At col. 12, lines 1-5 Ficco discusses retrieving A/V data from HDD 320; at col. 16, lines 14-26 a wideband communications signal; and at col. 3, lines 60-67 selected scripts

from storage. Ficco fails to teach, disclose or suggest "retrieving ... input documents", "sending at least one of the output documents", or "performing the at least one instruction" comprised in the output document, as recited in the claims. Accordingly, Ficco does not in fact teach, disclose or suggest the claimed recitations.

It is undisputed, as admitted in the Final Office Action, that Ficco does not teach, disclose, or suggest "input documents reflecting the status of the respective application devices". Asghar is cited to provide that which is admitted missing from Ficco, however, it is respectfully submitted that reliance on Asghar is misplaced. Asghar, at the referenced col. 3, lines 21-27 states the following (emphasis added):

Control unit 80 is preferably also configured to receive status information from the appliances, such as the current power status of lamp 40.

and further,

For example, computer 10 is preferably configured to gather water and electrical power usage data from water and electrical meters 60 and 70.

It is respectfully submitted that this paragraph and the rest of Asghar for that matter fail to teach, disclose, or suggest "retrieving ... input documents", "sending at least one of the output documents", or "performing the at least one instruction" comprised in the output document, as recited in the claims.

It is further undisputed, as admitted in the Final Office Action, that Ficco and Asghar do not teach, disclose, or suggest "controlling appliances" as recited in the claims. Humpleman is cited to provide that which is admitted missing from Ficco and Asghar, however, it is respectfully submitted that reliance on Humpleman is also misplaced.

In the claims, only "the application devices participating in the user experience" are controlled by "performing the at least one instruction", the at least one instruction is provided to the application devices participating in the user experience in the generated output document. Thus in order to teach, disclose or suggest the claims recitations, the combination of Ficco, Asghar and Humpleman need to teach, disclose or suggest to generate output documents including the at least one instruction specific to each of the application devices participating in the user experience and provide or send these files only to these application devices participating in the user experience. Then, the at least one instruction pertaining to the application devices participating in the user experience is performed by that device as substantially recited in the claims.

Humpleman at col. 16, lines 32-45 cited in the Final Office Action discusses agents for controlling devices; and at col. 10, lines 1-16 cited in the Final Office Action discusses files containing images of the devices. It is respectfully submitted that these excerpts do not teach, disclose or suggest the claims recitations. At col. 3, lines 1-4 Humpleman discusses device capabilities file. It is respectfully submitted that Humpleman's file does not teach, disclose or suggest "generating output documents ... comprising at least one the at least one instruction", as recited in claim 1, for example.

It is respectfully submitted that the claims are not anticipated or made obvious by the teachings of the presented prior art references. For example, Ficco in view of Asghar and Humpleman does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "controlling a plurality of application devices including at least one participating in a user experience, the method comprising the acts of: a server:

retrieving from the plurality of application devices input documents reflecting the status of the respective application devices, retrieving identification of a user, generating output documents for each respective application device comprising at least one instruction based at least on a part of the retrieved identification of the user and at least a part of the input document, and sending at least one of the output documents to each device of the plurality of the application devices participating in the user experience; and upon receipt of the at least one output document, at least one of the participating devices performing the at least one instruction", as recited in claim 1, and as similarly recited in claims 5, 8, 12 and 20.

Based on the foregoing, it is respectfully submitted that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response is denied. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the right to submit further arguments in support of the above stated position should that become necessary is expressly reserved. No arguments are waived and none of the statements contained in the Office Action are conceded.

A diligent and sincere effort to place this application in condition for immediate allowance is made herein and notice to this effect is earnestly solicited.

Respectfully submitted,

By /Gregory L. Thorne/

Gregory L. Thorne, Reg. 39,398  
Attorney for Applicant(s)

**THORNE & HALAJIAN, LLP**

111 West Main Street  
Bay Shore, NY 11706  
Tel: (631) 665-5139  
Fax: (631) 665-5101